UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,368	02/14/2001	Robert Michael Getler	2000-0168.00	2311

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EXAMINER
HILLERY, NATHAN

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed on 8/29/05.

2.   Claims 1 – 15 are pending in the case. Claims 1, 6, and 12 are independent.

3.   The rejection of claims 1 – 15 under 35 U.S.C. 103(a) as being unpatentable has

been maintained.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1 – 5 and 12 – 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rourke et al. (US005995721A) [as cited by applicant] and further in

view of Reisman (US 6769009 B1).

6.   **Regarding independent claim 1**, Rourke et al. teach that *system provides print

processing for various workstations or clients. Clients, which may be remote and/or on

site, are operatively coupled to printers through server* (Column 6, line 60 – 64),

compare with **a central server connected to said satellite servers, said central

server being configured to receive said digital files from said satellite servers and

perform at least one action on at least one of said digital files**. Rourke et al. do not

explicitly teach **input sources servers**. Reisman teaches that *According to one aspect,

the present invention provides a system for distributing information to a plurality of user

stations each configured for communications with a multiplicity of servers via a non-*

proprietary network (Column 5, lines 30 – 33), and that *Sending of information from the*

user to web package server 136 can be accommodated, if desired, using the

bidirectional capabilities of the transporter. In this case files of any type may be sent to

the server 136 (Column 40, lines 22 – 25), compare with **a plurality of input sources;**

a plurality of input source servers connected to said input sources, said satellite

servers being configured to receive a plurality of digital files from said input

sources. It would have been obvious to one of ordinary skill in the art to combine the

invention of Rourke et al. with that of Reisman because such a combination would

provide the users of Rourke et al. with *a method for distributing information to a plurality*

of user stations each configured for communications with a multiplicity of servers via a

non-proprietary network (Column 5, lines 19 – 22).

7.   **Regarding dependent claim 2**, Rourke et al., in his discussion of prior art,

points out that *the advantage of using one or more queues in a printing process has*

been demonstrated … **[the prior art]** *discloses a system in which copy/print jobs are*

delivered to an output queue which communicates with a printer while Fax jobs are

delivered to a hold queue which communicates with the output queue. In practice, after

a certain number of Fax jobs have accumulated in the hold queue, they are delivered to

the output queue in such a manner that the Fax jobs are printed ahead of all jobs

currently residing in the output queue (Column 3, lines 22 – 32), compare with **said**

satellite servers are configured to store accumulated jobs.

8.   **Regarding dependent claim 3**, Rourke et al. do not explicitly teach **off-peak**

time period. However, Reisman do teach that *the transporter can readily be adapted to*

offer a scheduling function providing users with an option to effect retrieval of bulky

objects at an off-peak low rate or low traffic time, such as at night (Column 53, lines 54

– 57), compare with **said satellite servers are configured to pass the accumulated**

jobs to said central server during at least one off-peak time period. It would have

been obvious to one of ordinary skill in the art to combine the invention of Rourke et al.

with that of Reisman because such a combination would provide the users of Rourke et

al. with *a method for distributing information to a plurality of user stations each*

configured for communications with a multiplicity of servers via a non-proprietary

network (Column 5, lines 19 – 22).

9.   **Regarding dependent claim 4**, Rourke et al. teach that *individual ones or all of*

clients may have a document scanner, disk input, keyboard, fax, etc. (Column 7, lines 4

– 6), compare with **said input sources include at least one of a scanner and a**

personal computer.

10.   **Regarding dependent claim 5**, Rourke et al. teach that *in one example,*

electronic document(s), which includes image and attribute related information, is

transmitted from the client to the server (Column 7, lines 29 – 31), compare with **at**

least one said digital file comprises an electronic image.

11.   **Regarding independent claim 12 and dependent claim 13**, the claims

incorporate substantially similar subject matter as claim 1, and are rejected along the

same rationale.

12.   **Regarding dependent claim 14**, the claim incorporates substantially similar

subject matter as claim 4, and is rejected along the same rationale.

13.   **Regarding dependent claim 15**, Rourke et al. illustrate in Fig. 1 (15-N) **an**

administrative client for at least one of configuring and monitoring said server.

14.   Claims 6 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Senn et al. (US006151610A) and further in view of Rourke et al. (US005995721A) [as

cited by applicant].

15.   **Regarding independent claim 6**, Senn et al. teach that *any paper document*

can be entered into the system by scanning (Column 3, lines 66 – 67), compare with

scanning a document with a scanner to thereby obtain the digital file. Senn et al.

do not explicitly teach **building a job object**.... Rourke et al. do teach that *the*

document job is characterized by a set of job attributes with each job attribute relating to

a manner in which the document job is to be processed by the document processing

system (Column 5, lines 9 – 12), compare with **building a job object including a**

plurality of action objects; and performing the action objects on the digital file. It

would have been obvious to one of ordinary skill in the art to combine the invention of

Senn et al. with that of Rourke et al. because such a combination would provide the

users of Senn et al. with *a document processing system including at least one*

document reproduction apparatus and managing on-demand output of a document job

(Column 5, lines 7 – 9).

16.   **Regarding dependent claim 7**, Senn et al. do not explicitly teach **parser**....

Rourke et al. teach that *in general, the technique proposes an approach in which*

attribute information associated with a job, i.e. attribute information embedded in an

electronic document and corresponding job ticket, is "parsed" and used to dynamically

generate a list or matrix of queues available for processing at least a portion of the job.

One or more queues are then selected, on the basis of the list or matrix, to execute one

or more portions of the job (Column 9, lines 27 – 34), compare with **said building step**

is performed by a parser. It would have been obvious to one of ordinary skill in the art

to combine the invention of Senn et al. with that of Rourke et al. because such a

combination would provide the users of Senn et al. with *a document processing system*

including at least one document reproduction apparatus and managing on-demand

output of a document job (Column 5, lines 7 – 9).

17.   **Regarding dependent claim 8**, Senn et al. teach that *upon determining that the*

value of an attribute is script, chooses which script interpreter to call to interpret the

script. For example, the identifier process can select an interpreter for a dialect of the

LISP programming language by checking the first non-whitespace character to see if it

is a left parenthesis or single-quote. If the first non-whitespace character is a left

parenthesis of a single-quote, the identifier process selects the interpreter for the dialect

of the LISP programming language to interpret the script (Column 3, lines 24 – 31),

compare with **said building step is dependent upon a plurality of script settings**.

18.   **Regarding dependent claim 9**, Senn et al. teach that *the expression, dump*

"concatenate" & "these" & "strings" prints "concatenate these strings" to the computer

display device (Column 33, lines 58 – 61), compare with **said action objects include**

at least one of printing, emailing and faxing.

19.   **Regarding dependent claim 10**, Senn et al. teach that *the iteration is scheduled in parallel, with one thread of execution created for each object* (Column 44, lines 2 – 4), compare with **said performing step includes assigning said action objects to individual worker threads**.

20.   **Regarding dependent claim 11**, Senn et al. teach that *each client module may then access the repositories 142 to retrieve those permanent attributes, convert the permanent attributes to ephemeral attributes, and update the local display* (Column 20, lines 64 – 67), compare with **said performing step includes requesting at least one action module**.

Response to Arguments

21.   Applicant's arguments filed 8/29/05 have been fully considered but they are not persuasive.

22.   In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., 3-tier system (p 7, last paragraph) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Nevertheless, it should further be noted that Webopedia defines a server as *a computer or device on a network that manages network resources. For example, a file server is a computer and storage device dedicated to storing files. Any user on the network can store files on the server. A print server is a computer that manages one or more printers, and a network server is a*

computer that manages network traffic. A database server is a computer system that

processes database queries. Servers are often dedicated, meaning that they perform no

other tasks besides their server tasks. <u>On multiprocessing operating systems, however,</u>

<u>a single computer can execute several programs at once. A server in this case could</u>

<u>refer to the program that is managing resources rather than the entire computer</u>

(http://www.pcwebopaedia.com/TERM/S/server.html). Further, the Office maintains the

rejection of the claims under 35 USC 103(a) as explained above and asserts that the

combination of Rourke et al. and Reisman sufficiently teach, disclose and suggests the

limitations as claimed..

23.   In response to applicant's argument that neither Rourke et al. or Reisman teach,

disclose, or suggest the limitation of claim 12, it should be noted that at the very least

Rourke et al. teach that *system provides print processing for various workstations or*

clients. Clients, which may be remote and/or on site, are operatively coupled to printers

through server (Column 6, line 60 – 64) and that Resiman teaches that *Sending of*

information from the user to web package server 136 can be accommodated, if desired,

using the bidirectional capabilities of the transporter. In this case files of any type may

be sent to the server 136 (Column 40, lines 22 – 25). Specifically, Rourke et al. teach

printing a document and Reisman teaches the capability of sending, which means the

combination performs a plurality of operations on a single digital file. Furthermore, by

applicant's own admission Reisman discloses ... sending and fetching information

objects (p 9, last paragraph – p 10, first sentence).

24.   In response to applicant's argument that the Senn "attributes" have nothing to do

with action objects that pertain to, for example, emailing, printing, faxing, and/or

converting the document to another format (p 11, second paragraph), a recitation of the

intended use of the claimed invention must result in a structural difference between the

claimed invention and the prior art in order to patentably distinguish the claimed

invention from the prior art. If the prior art structure is capable of performing the

intended use, then it meets the claim.

25.   In response to Applicant's argument that Senn does not teach, disclose, or

suggest **building a job object including a plurality of action objects; and**

performing the action objects on the digital file, it should be noted that the Office

does not rely on Senn et al. to *explicitly* teach such a limitation; however, WhatIs.com

teaches that *In computer programming, a <u>script</u> is a program or sequence of*

instructions that is interpreted or carried out by another program rather than by the

computer processor (as a compiled program is) (http://searchopensource. techtarget

.com/ sDefinition/0,290660,sid39 _ gci212948,00 .html). Furthermore, by applicant's

own admission, the Senn "attributes" pertain to displaying a document on a computer ...

an "attribute" as defined by Senn is a piece of data stored in a document ... and can be

modified by a script (p 11, last paragraph), which implies a job object (attribute) that

includes action objects in view of WhatIs.com's definition of a script.

26.   In response to applicant's argument that the Rourke attributes and use thereof

does not relate to or disclose, teach, or suggest the limitations of claim 6, wherein a job

object inludi8ng one or more action objects that pertain to, for example, emailing,

printing, faxing, and/or converting the document to another format (p 12, penultimate

paragraph), a recitation of the intended use of the claimed invention must result in a

structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is

capable of performing the intended use, then it meets the claim.

Conclusion

27.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nathan Hillery whose telephone number is (571) 272-

4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

NH

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER

10/25/2005